

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

THOMAS W. CURTIS,

Plaintiff

v.

HOME DEPOT,

Defendant

Case No.: 2:20-cv-02090-APG-DJA

**Order Accepting Report and
Recommendation**

[ECF No. 5]

On December 17, 2020, Magistrate Judge Albregts recommended that I dismiss plaintiff Thomas Curtis's complaint with prejudice because the complaint is frivolous. ECF No. 5. He also recommends that I deny Curtis's application to proceed in forma pauperis. *Id.* Curtis did not object. Thus, I am not obligated to conduct a de novo review of the report and recommendation. 28 U.S.C. § 636(b)(1) (requiring district courts to "make a de novo determination of those portions of the report or specified proposed findings to which objection is made"); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc) ("the district judge must review the magistrate judge's findings and recommendations de novo *if objection is made*, but not otherwise" (emphasis in original)).

I THEREFORE ORDER that Magistrate Judge Albregts' report and recommendation (ECF No. 5) is accepted, plaintiff Thomas Curtis's complaint (ECF No. 1-1) is DISMISSED, and his application to proceed in forma pauperis (ECF No. 4) is DENIED. The clerk of court is instructed to close this case.

DATED this 8th day of January, 2021.



ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE